

The MUNSTER BOARD OF ZONING APPEALS
MINUTES OF REGULAR BUSINESS MEETING
Meeting Date: September 12, 2023

The announced meeting location was Munster Town Hall and could be accessed remotely via Zoom, a video conference application.

Call to Order: 6:45 pm

Pledge of Allegiance

Members in Attendance:

Daniel Buksa
Brad Hemingway
Roland Raffin
Brian Specht (Arrived 6:48 pm)

Members Absent:

Sharon Mayer

Staff Present:

Dustin Anderson, Town Manager
Jill DiTommaso, Deputy Town Manager
Rachel Christenson, HWC Engineering
Sergio Mendoza, Planning Director
David Wickland, Attorney

Mr. Buksa acknowledged the high school government students in attendance.

Approval of Minutes:

a. July 11, 2023, Regular Business Meeting Minutes

Motion: Mr. Hemingway moved to approve the July 11, 2023, regular meeting minutes as presented.

Second: Mr. Raffin

Vote: Yes – 3 No – 0 Abstain – 0. Motion carries

Election of Officer - Executive Secretary

Mr. Anderson introduced the new Planning Director, Mr. Sergio Mendoza, to the Board of Zoning Appeals members.

Motion: Mr. Raffin moved to appoint Mr. Mendoza to the role of Executive Secretary to the Board of Zoning Appeals.

Second: Mr. Hemingway

Vote: Yes – 3 No – 0 Abstain – 0. Motion carries

Preliminary Hearings:

- a. BZA23-003 Saundarya and Srikanth Ravindran requesting approval of a variance from TABLE 26-6.405.A-2 to permit the construction of a garage addition which will increase the total number of garage spaces to five at 1621 Day Lily Lane.**

Mr. Parr, the attorney for the Ravindrans, said his clients were present on Zoom. He thanked the Board for the opportunity to present the petition. He said they may recall at a hearing a number of months ago, they had an extensive presentation on the variance petition and went through the various points of the code and statute having to do with why they wanted the variance. There were questions raised by members of the Board. One of the questions had to do with the interaction of the Ravindrans with the Homeowners Association (HOA) and what the position of the HOA would be with regard to this project. He wants to report that the Ravindrans had made numerous attempts and, in fact, communicated directly with two of the members of the architectural control committee of the neighborhood association with regard to covenant compliances. The Ravindrans presented to the architectural control committee the full specifications and project plans for their structure. They were expecting some form of written acceptance or denial or something but in the intervening time since the last hearing, the HOA through their review board has not provided any written response of any kind. One way to interpret that is that there is not an objection, but they did want to inform the Board that they were addressing their concern about conformity of this proposed structure to the covenants and to the various standards that would have been applicable to this. The Ravindrans believe that the lack of a definitive ruling by the HOA in opposition to this, which has not happened, that by their silence on the definitive ruling, that should be interpreted favorably to the Ravindrans. There was also a concern by the Board that the materials to be used, as indicated in the specifications that were submitted to the Town, may not be in harmony with either the Ravindran's house, with the neighborhood, or the subdivision generally. He said the Board may wish to look at some of the pictures in the file that were part of the specifications of the contractor who was to erect this. He noted that the material, while it is steel, is a factory painted steel. It is the same color as their house which has vinyl siding on the majority of the outside of the house. The house has a dark roof which this proposed structure also has. In terms of the color scheme, it is a pretty good fit. One of the points that the Board had mentioned was what some of the neighbors would think about this whole thing. Of course, they hoped the Board would refer this matter to the public hearing as the staff report has recommended. There were some pictures supplied to the Board some time ago showing that, in the interim, the Ravindrans have erected a privacy fence. It is a white privacy fence, and it is of the height allowed by code. What that effectively does is to change the view of the property from the sides. The only part of the structure that would be visible to neighbors, especially to the closest neighbor to the side, would be the upper one half or 40% or so. The view of the structure from the neighbors would be the same view, essentially, as what they would see as if this were a carport. The Ravindrans wanted to do what they could to help eliminate any concerns that the Board may have about disharmony with the neighborhood architectural schemes and colors. He believes they have accomplished that. There are also pictures they took of the privacy fence and of their house. They believe they have had considerable measures taken to make this conform. Not only does the color match the house but so does the visible part of the structure to the neighbors. He appreciates what the Ravindrans have done in that regard to help with any concerns the neighbors might have, which they would hope they will not have. They also understand that they are asking for a variance of the use of the structure. That was at the request and insistence of the matter that was pending before this. They would first seek a variance of some sort and this variance was filed. Though the primary use of this structure, according to what the Ravindrans have represented, would be just general storage. At some point, they determined that they would also like to consider, and probably would, store a car or two in this. According to some interpretations, that would make this a garage but, in other considerations, it would not be a garage because there is no plan to install within the structure all the different things that technically a garage is supposed to have. This is why they continue to call it an accessory structure rather than a garage since it would just be a bare structure on the inside. Recognizing that the storage of cars would probably be involved, the staff report indicates the Ravindrans are requesting a total of storage place for five vehicles on the property. They understand that this is somewhat of a stretch. The

Ravindrans are close to the four car threshold which is approved for a square footage house which is only a few hundred 100 square feet larger than the Ravindran's. The variance would actually be to permit an additional space. They had mentioned when they last met with the Board, that a fifth car storage space would be great, but they understand that is a stretch and that a four car, or one plus the three existing in the existing attached garage, would be more feasible to the Board. He said it is interesting to note that in their neighborhood there is a house that has a detached garage. From the appearances, it appears to be a three car detached garage if his information is correct. The house itself is a larger house, it is like 5900 square feet which is just a little over 1000 feet more than the Ravindran's property. Somehow, they managed to have a detached structure with what appears to be access for three cars at 1130 Melbrook Drive within Munster and within the purview of the Town code. They are not using that in any way other than to show that there may be some precedent. Mr. Raffin said Mr. Parr's clients want to put a metal looking barn near their house. This is a metal structure which is industrial in nature, not residential in nature. They want to do this knowing that they bought into a subdivision that has covenants stating that non-masonry siding shall be horizontal cedar or redwood and vertical cedar or plywood siding. He referred to Mr. Parr's statement that "silence is golden" is the key to approval of this. Mr. Parr said they have two governing bodies here; one is the neighborhood association and the other is, of course, the Town. With regard to the neighborhood association, there has not been a written rejection of the project. They are aware of the siding considerations, and he knows that the Board has some concerns there. He said the Ravindrans are interested in coming to a resolution on those things. Since their house has a considerable amount of vinyl siding on it, they would be willing as condition of the approval for the variance to install similar vinyl siding on the sides of this proposed structure. It would, then, have the appearance that their house does; the house that is almost 5000 square feet. Mr. Raffin asked if he is sure that it is vinyl siding because the covenants say vinyl and aluminum may be used for soffit and fascia. He'd said he would like to see the other material he's talking about, whether it is Hardie Board or really vinyl siding. Mr. Parr said he has to defer that to the Ravindrans. He said he was under the impression it is a vinyl but perhaps not. Mrs. Ravindran said they are pretty sure it is vinyl but can make sure; they have been told that it is vinyl siding. Mr. Parr said whatever kind of siding it is, the Ravindrans said they will conform to it and match it. Mr. Raffin said he wants to see some more due diligence and try to find out from the HOA what their covenants and controls are. He sits on an HOA and the first thing he would do if he was their neighbor is to go back to the covenants and take them to court over it because you are not following what I bought into as a neighbor. He said that is why he moved into his neighborhood, Cobblestones. They had controls and things were done to match neighborhood architectural controls and committee laws in there. He wanted a standard of protection from not putting in siding and buildings with metal sides. He doesn't know how they're not getting a hold of the HOA but obviously they have one that's filed in Lake County and recorded. Mr. Parr said the Ravindrans have made close to 10 contacts with the architectural control committee and have, in fact, provided them with all the specifications and everything else. They have specifically requested an approval or disapproval in writing as provided by the covenants. They have not received that. Chairman Buksa asked what form the communication had been, whether it was by certified mail. Mrs. Ravindran said the delivery of the project specifications was made by certified mail and she also personally handed it to the member who came to her house. She said they have also personally spoken on the telephone to one or both of these people at different times. Mr. Parr said this is not where one quick effort was made and that constitutes sufficient action. Mr. Raffin said they have this is drawn as a two car; it was said that they would go down to a one car addition. He asked for clarification; they have three garage spaces now, he said they would ideally like two more, but they would go down to one car. Mr. Parr said yes. Mr. Raffin said the size of this car storage should drop in half from the 26 feet by 25 feet. Just because you put one door on it or two doors, it is the size of the garage. Ms. Christensen pointed out that the Munster zoning code only allows for three cars for a house

that is less than 5000 square feet the subject property is only 4747 square feet. According to the Munster code having a two car garage added to the three card garage they already have is not permitted. Either way it is a variance. Mr. Raffin said if we don't want a house that has a huge garage space that is why we have these codes. Mr. Specht said he doesn't think it will be approved but he made a motion to set this for Public Hearing. Mr. Buksa asked if the Board wished to have any contingencies to this motion, with the materials or to see the certified mail. Mr. Specht said he would not put any requirements on it, but he cautioned that he would not start construction on it without an HOA approval. Once they start building and they sue you, you will have to spend money to tear it down because there is no way the HOA is going to approve it.

Motion: Mr. Specht moved to set BZA Docket No. 23-003 to a public hearing.

Second: Mr. Raffin

Vote: Yes – 4 No – 0 Abstain – 0. Motion carries

- b. BZA23-007 Paul Taylor is seeking a variance to development standards to allow signage that conforms to the sign standards applicable to CD4.A Districts in Table 26-6.701.A to the tenant spaces on the east side of the building located at 11 Ridge Road.**

Ms. Christenson said PC23-007 and PC23-008 are very similar applications. This is a property built prior to our current zoning code. The petition is worded so our current sign ordinance would then apply to the structure. Each entrance to the business would be able to have a wall sign. Currently, our ordinance only allows the front of the building that faces Ridge Road to have signage but the way this building was constructed, it is challenging to have appropriate signing for the businesses that are located in it.

Paul Taylor from 7040 Forest Avenue, Hammond, said, as Ms. Christensen said, they are looking to get signage for each of the tenant units in these two buildings. The way the code is written, they are only allowed to have three code compliance signs. At 11 Ridge Road, there are two tenant units. The other building, 15 to 21 Ridge Road, has five tenant units. They would only have one code compliant sign there. Mr. Raffin asked if each of the signs would meet our standards for design material. Mr. Taylor said that the new signs would be code compliant and would match those that are code compliant.

Motion: Mr. Raffin moved to set BZA Docket No. 23-007 to a public hearing.

Second: Mr. Hemingway

Vote: Yes – 4 No – 0 Abstain – 0. Motion carries

- c. BZA 23-008 Paul Taylor is seeking multiple variances to allow signage that conforms to the sign standards applicable to CD4.A Districts in Table 26-6.701.A to the tenant spaces on the west side of the building located at 15-21 Ridge Road.**

Motion: Mr. Hemingway moved to set BZA Docket No. 23-008 to a public hearing.

Second: Mr. Specht

Vote: Yes – 4 No – 0 Abstain – 0. Motion carries

- d. BZA23-09 Family Dental Care seeking a variance to developmental standards to allow two (2) wall signs that exceed the maximum height allowed by ordinance.**

Ms. Christenson said the petitioner is requesting two sign variances for the two signs on the structure. They are taller than the ordinance allows. The maximum height of a wall sign is 48 inches, the petitioner is requesting one sign with the height of 73 inches and the other with a height of 71 inches.

Laura Pugh of 8252 Hohman Avenue said their argument is pretty clear in the documents. It makes sense to have the logo on top and the wording on the bottom of the sign. The light being emitted will be exactly the same as it is now. Mr. Hemingway moved to set for a public hearing BZ a docket number 23-009 for our October meeting. Mr. Specht asked if the heights included in the report include the Family Dental Care text and the logo on top. Laura said, yes, it goes from the very top of the toothbrush which is the highest point of the teeth to the bottom of the "y" as is shown on page three of the staff report.

Motion: Mr. Hemingway moved to set BZA Docket No. 23-009 to a public hearing for October

Second: Mr. Raffin

Vote: Yes – 4 No – 0 Abstain – 0. Motion carries

e. BZA23-010 Crew Car Wash seeking multiple developmental standards variances for off-site dumpster location, landscaping ,and alterations to the existing freestanding sign.

Ms. Christenson said this petition is for three variances. The former Munster Car Wash is being transitioned into a Crew Car Wash. The first variance they are requesting is the location of a dumpster enclosure to be off-site. It would be located just east of the property on the adjacent site. Our zoning code requires a dumpster to be on-site. They have an agreement with the property owner next door to share that dumpster. That is up for the Board's consideration. The second variance request is the landscaping. The landscaping in the front yard, which is the first lot layer, appears to be less than 30%. This front lot layer is unique in that this was an old car wash site. It is still going to be a car wash site, but the use is changing. There is a driveway which the petitioner has reduced down at staff request. They have been working with the staff on this petition. There is also an exit as well as two driveways with this petition. They have worked to put more landscaping in around the existing sign and more around the building. The variance they are seeking is that they are not meeting that 30% in that first lot layer per ordinance. The third variance requested is a sign variance. She said the staff received this information on Friday, 9/8. The staff did not have sufficient time to do a full review to see exactly what things are not meeting their code. The staff feel comfortable enough that Crew Car Wash has been working with them diligently and they have been getting information as requested. For that reason, she said she thinks they will have everything in shape if this goes to a public hearing on October 10th and a full staff report will be prepared for the Board.

Jim Wieser, attorney with offices at 449 West Lincoln Highway in Schererville, said he is tag teaming the representation of Crew Car Wash in Lake County, Northwest Indiana with attorney John Reed who is also in attendance. Travis Smith and Katherine Rayner from Crew Car Wash were also there to answer any technical questions the Board may have. He said he agrees with the comments that were just made. They are seeking 3 variances after a lot of discussion with the Town staff to get the number down, for which they are appreciative.

Motion: Mr. Raffin moved to set BZA Docket No. 23-010 to a public hearing in October.

Second: Mr. Specht

Vote: Yes – 4 No – 0 Abstain – 0. Motion carries

Public Hearings:

- a. BZA 23-002 HP Munster Investment LLC seeking multiple variances from TABLE 26-6.701.B WALL SIGN SPECIFIC STANDARDS to permit two nonconforming signs on a Hyatt Place Hotel at 9420 Calumet Avenue.**

Ms. Christenson said this is something they have been working on for a few months. The petitioner has worked with staff for the past couple of months to get closer to what our sign ordinance states. We are now on a version of the sign that is a large projecting sign. The petitioner has two different options they presented to us. The issue the staff still has with this is that the petitioner is requesting that these be located above the windowsills of the third story. It is a requirement of our ordinance that projecting signs must be below the sill of the third story. As shown on page 4 of the staff report, the first option presented is a smaller sign. She thinks it is difficult to read, it doesn't look proportional to the structure itself. She believes the petitioner was trying to show that this sign should have been illustrated with the sign being underneath the window sill of the third floor. However, it is underneath the third window being shown there. She doesn't think first floor, the darker Gray, was taken into consideration as the first floor. The sign, if it was underneath the windowsill of the third floor would be compliant with our ordinance. If you go down to the second drawing on the same page, you will see there is a larger blade sign illustrated, it is being shown above the fourth floor window. This is more in proportion to the scale of the building. If the sign were located underneath the third story windowsill, it would not reach the minimum height that is required between the ground level and the bottom of the sign. She thinks the petitioner was trying to show the two different versions to illustrate that the first one is very small, it would be difficult to read. The second is larger and more legible, however, it would need to be located above the fourth floor window.

Amit Shah of 9420 Calumet said Ms. Christenson explained everything correctly. They have been working on this for four or five months now. Mr. Buksa opened the public hearing. Hearing no comments, he closed the public hearing. Mr. Raffin said the sign that goes above the third floor window is in better proportion to the building the parapet wall, so it blends in nicely. He said he was referencing figure 3 of the staff report. Ms. Christenson clarified that there are two signs for either option. There is one on the north side of the structure and also one on the south side, It would be the same sign on either side of the structure.

Motion: Mr. Raffin moved to approve sign Option 2 shown in Figure 3 of the staff report for BZA Docket No 23-002.

Second: Mr. Specht

Vote: Yes – 4 No – 0 Abstain – 0. Motion carries.

Findings of Fact:

- a. BZA23-006 The School Town of Munster is seeking multiple variances from TABLE 26-6.701.B WINDOW SIGNS SPECIFIC STANDARDS and WALL SIGNS SPECIFIC STANDARDS to permit multiple nonconforming signs on Wilbur Wright Middle School at 8650 Columbia Avenue.**

Motion: Mr. Specht moved to approve the Findings of Fact for BZA Docket No. 23-006.

Second: Mr. Raffin

Vote: Yes – 4 No – 0 Abstain – 0. Motion carries

Additional Business/Items for Discussion: None

Next Meeting: Mr. Buksa announced the next regular business meeting will be held on October 10, 2023, beginning at 6:45 pm.

Adjournment:

Motion: Mr. Raffin moved to adjourn.

Second: Mr. Specht

Vote: Yes –4 No – 0 Abstain – 0. Motion carries.

Meeting adjourned at 7:29 pm

Chairman Daniel Buksa
Board of Zoning Appeals

Date of Approval

Executive Secretary Sergio Mendoza
Board of Zoning Appeals

Date of Approval